

I have been a pilot since 1961: 15,600+ hrs (13,450 civilian), ATP/CFII/GSI-A, Comm-Helo (2,250-helo), 6 jet type ratings and a BSE in Aeronautical Engineering. I have flown 15 years in FAR-135 operations, including scheduled and charter passengers, freight, & air ambulance, in piston, turboprop and jet aircraft. I have four primary concerns with FAR-135, as it currently stands.

First and foremost, the convoluted flight time regulations do NOT specify a maximum DUTY time. As you read this, there are--at all times--several FAR-135 aircraft being flown by crews that have been awake for 30+ hours, and this is, technically, allowed by the current wording of the regulation. Briefly, here's how this happens, many times every day. A pilot on "standby" for a charter operation wakes up at, say, 6:00AM. He is not called-out during the day. As he is about to go to bed at, say, 10:00PM, he is called to work. He arrives at the airport at 10:30PM, to start a "14-hr." duty period. However, that can be extended indefinitely, for passenger or freight delays. These delays are, in some operations, the rule; they are NOT exceptional or unusual. However, if a question arises later, the operator will claim that these delays were "unanticipated." Without delays, the pilot will have been awake for 30.5 hours, by the end of the duty period; with delays, 36 hours is not a "record-setter." During the delay periods, most passenger charter crews and nearly all freight charter crews will be in circumstances that absolutely preclude sleep. Your committee is heavy in operator/managers and light in line pilots. The operators will claim that this is "a labor-management issue." Not so! It's a safety issue, and 14 consecutive hours on any job is ENOUGH, regardless of whether or not the freight or passengers or airplane have reached their destinations. Putting the pressure on the captain alone to refuse or terminate a trip simply doesn't work. When the operator has nothing to lose by violating the intention of the regulation--only the crew will be blamed--captains who cancel or postpone trips on account of crew fatigue are soon "selected for nonretention," for any trumped-up "reason." Given the typical pilot unemployment rate, this constitutes a huge safety disincentive.

My second concern is the convoluted, recondite wording and disorganization of the FAR's. If a pilot is bright enough to get an aeronautical engineering degree, and if, after 43 years of studying the FAR's, he cannot understand and remember all of the regulations that pertain to his flying--as NO American pilot can--the fault lies in the regulations. Let's make the new version of FAR-135 so short and absolutely dirt-simple that even Og the Caveman could read, understand and remember it. (If the FAA lawyers are satisfied with the final draft, it is 100.0% GUARANTEED to be poorly written.) At a minimum, collect ALL of the operational restrictions that occur at specified altitudes (speed, oxygen use, equipment requirements, etc.) into ONE section, listed in order of increasing altitude. Write this regulation for those regulated, NOT for the regulators' lawyers.

Item #3 concerns aircraft discrepancy "writeup sheets." All FAR-121 operators and most FAR-135 operators use consecutively-numbered sheets; some maverick -135 operators do not. In the latter operations, it is not unusual for an expensive or inconvenient writeup to "disappear" from the aircraft logbook. Apparently, this arrangement has the FAA's tacit approval, as PMI's have been aware of it, since forever.

Last, I suggest that the history of the infamous "Age-60 Rule" (and of the Administrator who rammed it into place) make this rule--as it may apply to the regulations under your pervue--an extremely fertile field for improvement. There was never a scientifically established and documented safety reason for this rule. It was, originally, enacted as a favor to American Airlines management, and, shortly thereafter, the Administrator who enacted the rule was on the American board of directors. (Welcome to America!) Let's undo this farce, over 40 years late.

